

Carlisle Conservation Commission
November 19, 2009

Chair Peter Burn called the meeting to order at 7:40 p.m. in the Clark Room at the Carlisle Town Hall. In addition to Burn, also present were Commissioners Tom Brownrigg, Jen Bush, Kelly Guarino, Tricia Smith and Diane Troppoli and Conservation Administrator Sylvia Willard.

Proposed DEP Changes: Time allowed for a brief, impromptu discussion of the implications of the possible elimination or restructuring of DEP's Wetlands Program, which may include regulatory revisions and statutory changes – all to be decided by January 2, 2010. Smith noted that, while the Commission administers the WPA, they have historically had fairly significant resources from the state that have facilitated their administration of the regulations. "It appears that they now have some intent to draw some of that back so that the permitting is essentially a local process, whereby applicants would no longer be able to appeal our decisions to DEP, rather they would have to appeal them to Superior Court." Smith also pointed out that the Commission will need to assess what those changes might mean in terms of fulfilling their regulatory obligations while balancing that with current budget concerns and looming budget cuts.

Minutes:

Smith moved to accept the **August 27, 2009 minutes** as amended, Brownrigg seconded and all attending voted in favor. Smith moved to accept the **September 24, 2009 minutes** accepting any minor edits that have been submitted by the Commission, Brownrigg seconded and all attending voted in favor, with the exception of Guarino, who abstained.

Certificates of Compliance: DEP #125-761: 120 Pine Brook Rd., Project: Landscaping and screen porch; Issued: 6/16/2005: *Smith moved to issue a COC for DEP #125-761, Troppoli seconded and all attending voted in favor.*

DEP #125-0833: 62 Hart Farm Rd., Project: Landscaping, Issued: 9/22/2008: Although Willard reported a deviation from the Plan of Record, the project was determined to have been completed substantially within compliance with the OOCs. *Smith moved to issue a COC for DEP #125-0833, Troppoli seconded and all attending voted in favor.*

8:15 p.m. Carlisle Police Department - Paving Project: Chief John Sullivan was present to discuss the requirements for repaving the driveway and rear parking area of the Police Station, funding for which was approved through a Warrant Article in FY09. Given the close proximity of the proposed paving to the adjacent wetland as well as drainage concerns, it was determined a Request for Determination will be required, the hearing for which was scheduled for December 3, 2009 at 8:15 p.m.

8:30 p.m. (DEP 125-0875) Notice of Intent, Continued Hearing

Applicant: William Hamilton

Project Location: 491 Maple Street

Project Description: Repair of a failed Septic System

Burn reopened the hearing for DEP #125-0875 under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. The hearing was continued to December 17, 2009 at 8:15 p.m. at the applicant's request.

Enforcement Order – Greg Bruell, 779 West Street: Representing the applicant was Site Contractor Jon Storer, who stated that a representative of the property owner had contacted him "to try to fix things" upon receiving a copy of the Enforcement Order. Because he was contacted only hours earlier and asked to attend the meeting, he said did not have adequate time to prepare a written response to the EO, but said he would be glad to try to answer any questions the Commission may have. Willard had previously distributed a letter from the property owner's attorney, Roy Cramer of

Frieze Cramer Rosen & Huber, requesting that the Commission grant additional time to address the requirements and extend the suspension of fining. Because there remained a fair amount of uncertainty as to who would be serving as the representative moving forward, Burn asked for clarification. Storer said he was not certain but that it may very well be him.

When asked what steps had been taken thus far in response to the EO, Storer reported having contacted Stamski and McNary with a request that they reestablish the flags, by survey, at the Bordering Vegetated Wetlands. He had also requested that Zen Associates provide a Garden Management Plan for the Commission's review.

The following requirements were determined subject to a reassessment at the December 3, 2009 meeting:

1). the DEP sign is to be posted immediately; 2). the project area must be surveyed and reflagged in accordance with the Plan of Record; 3). the haybale line must be assessed and reinstalled where needed; 4). a complete list of contactors who have performed work associated with the project must be provided to the Conservation Commission; 5). a detailed response plan to the Enforcement Order must be submitted citing steps to be taken to address all violations listed, with the document being due by Wednesday, November 25 at noon; fines as outlined in EO will be suspended pending receipt of the required documents until Nov 25, at which time the fines may be assessed retroactively to November 19.

Cranberry Bog House RFP: Bush announced that she would be abstaining from the discussion due to a possible conflict of interest relative to in-kind work. There was a brief discussion of the most recent version of the draft Bog House RFP, which had been substantially modified by the Land Stewardship Committee and submitted to the Commission for discussion during several previous meetings. Guarino suggested several changes to language relative to dollar values of rent and/or in-kind services, which the Commission agreed would be helpful in clarifying the requirements of the lease. Guarino will incorporate the changes as discussed and forward the revised document to Town Counsel for his review.

Open Space and Recreation Plan Update: Willard reported having received a letter informing the town that the state will grant an additional two years before the OS&R Plan must be completely updated if Updated Five Year Actions Plans are submitted by the end of February 2010. She is now in the process of getting out requests to other departments for the supplemental information. Guarino, who serves on the CPC, agreed to research the CPC funding that had been approved for the project in FY10, and if necessary, will request an extension.

Public Lands Preservation Act: Willard informed the Commission of an upcoming hearing on the Public Lands Preservation Act before the Joint Committee on Environment, Natural Resources and Agriculture scheduled for Tuesday, December 15, 2009. The Commission has been on record for supporting the legislation for the previous two years and requested that Willard send a letter to the state representatives in support of the Act if she could work it into her available time.

State Dam Safety Response: Willard reported having received a letter from the State in response her request for clarification on the ownership and associated responsibilities for the dam on Curve Street. The state acknowledged that information on the state's website stating the Curve Street dam was state owned was in error in that the dam is actually owned by the Town of Carlisle. Willard is now waiting for clarification as to whether the dam is exempt from safety inspection requirements under an agricultural exemption.

Benfield 40B Fee Waiver Request: Willard announced that the Benfield 40B application recently submitted to the ZBA contains a waiver request for all local town fees. Because there was uncertainty as to whether the request includes WPA fees as well local bylaw fees, it was determined that the matter should be explored further when the NOI hearing is opened on December 19, 2009.

Foss Farm Update: Willard reported having received approval from the state for the upcoming agricultural burn at the Community Gardens, which was planned with the goal of reducing remaining spores of the blight and other plant diseases that had adversely affected tomato and other crops during this year's growing season. She also informed the

Commission that the two new garden wells that had been approved at the previous meeting were successfully installed earlier in the week and that she was awaiting the installer's report.

Plantings at Hanover Hill: Willard reported that the restoration area had already been planted according to the letter submitted by B & C Associates. The Commission had previously required that a landscape plan to be submitted for approval. At the Commission's request, Willard will convey to B & C Associates that an illustrated planting plan, including area as well as the density of the plantings, is required in order to better assess the restoration area during spring monitoring and to provide documentation for the record.

Towle Conservation Land Management Plan: The public hearing for the review of the Management Plan is being scheduled for January, 2010. In the meantime, Willard will be posting a copy of the draft document at the library for public review and will place the required Legal Notice in the *Carlisle Mosquito* once a date certain is determined.

10:10 p.m. *Brownrigg moved to adjourn, Smith seconded and all attending voted in favor.*

Respectfully submitted,
Mary Hopkins, Administrative Asst.